

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

The proposed amendment would prohibit romantic or sexual relationships between licensees and former students for 90 days following the student’s last date of enrollment, if the licensee and the student previously had a direct and supervisory relationship. The proposed amendment adds an additional ethics violation under paragraph 25.3(1)“e” (“Student abuse”) specifically for students no longer enrolled in a school district.

The Board previously proposed a Notice of Intended Action (**ARC 0678C**, IAB 4/3/13) setting forth a more broadly written amendment to this rule. Instead of adopting that Notice, the Board considered input from stakeholders and the Administrative Rules Review Committee. The amendment proposed herein reflects changes based on this input; the Board reduced the number of days in the proposed amendment from 180 to 90, provided a statutory cross reference defining “sexual conduct,” and narrowed the prohibited conduct. The Board intends to terminate the rule making initiated by **ARC 0678C**.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, September 25, 2013, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, September 27, 2013. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

This amendment is subject to waiver pursuant to 282—Chapter 6, “Waivers or Variances From Administrative Rules,” Iowa Administrative Code.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

The following amendment is proposed.

Amend subrule 25.3(1) as follows:

25.3(1) Standard I—conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse. Violation of this standard includes:

a. to d. No change.

e. *Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

(1) to (4) No change.

(5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; ~~or~~

(6) Failing to report any suspected act of child or dependent adult abuse as required by state law;
or

(7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3) “b” or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by the practitioner or was supervised by the practitioner in any school activity when that person was a student.